



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/280,421	03/29/1999	M. IBRAHIM SEZAN	KLR:7146.028	5722

55648 7590 08/10/2006

KEVIN L. RUSSELL
CHERNOFF, VILHAUER, MCCLUNG & STENZEL LLP
1600 ODS TOWER
601 SW SECOND AVENUE
PORTLAND, OR 97204

EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/280,421

Applicant(s)

SEZAN ET AL.

Examiner

Reuben M. Brown

Art Unit

2623

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-117 is/are pending in the application.
- 4a) Of the above claim(s) 31-117 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Newly amended claims 31-117 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Amended claimed 31, 59 & 87, recite “a single unitary file”, such that, “said single unitary file does not contain any other images than said image, wherein said unitary file is not part of a video sequence”. The amended claimed subject matter of claims 31, 59 & 87 is divergent to independent claims 1 & 21, and is classified in 715/723.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 31-117 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

2. Applicant's arguments filed 4/27/06 have been considered but are not persuasive. Applicant argues on page 18 that, "in all cases, the additional information provided by Wistendahl is informative information". "Applicant would note that Wistendahl fails to suggest that the additional information includes executable program code, nor that the additional information includes more than merely passive in nature". Examiner respectfully disagrees since Wistendahl teaches that the IDM program data, (which is the hyperlink and trigger info) may be stored together with the N-data, see col. 7, lines 15-65. Clearly the IDM program info reads on the claimed, "executable program code".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2623

4. Claims 1-12 & 15-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Wistendahl, (U.S. Pat # 5,708,845).

Considering amended claim 1, the claimed method for associating additional information with a video including a plurality of frames; comprising 'identifying at least one of the frames representative of a picture composed of a plurality of pixels', is met by the disclosure of the video data in Wistendahl, col. 5, lines 45-50; col. 9, lines 61-67 thru col. 10, lines 1-30. Fig. 2; Fig. 5a & 5b.

'providing a descriptive stream separate from the video, including the additional information in the descriptive stream related to the at least one frame' is met by the disclosure of the N data and IDM program data in Wistendahl, which is disclosed as including the coordinate mapping data associated with the selectable images in the video, col. 5, lines 1-15; col. 6, lines 1-30; col. 7, lines 12-35 & col. 9, lines 15-35. Wistendahl teaches further that the N data & IDM program data are preferably separate from the video, which also reads on the claimed subject matter, col. 6, lines 7-21.

'providing the video for display on the display device is met by Wistendahl, Fig. 3 & col. 6, lines 60-67.

‘selectively providing the additional information to a viewer approximately at the time of providing the video wherein the additional information is an object depicted by the picture by the pixels’ is also met by the disclosure of Wistendahl, col. 5, lines 45-67; col. 13, lines 1-58.

The claimed additional information including executable computer program code, reads on the IDM program code, which is the hyperlink and trigger information, used to launch web sites and/or applications; col. 5, lines 1-15; col. 6, lines 1-55.

Considering claim claims 2, 7, 16 & 28, Wistendahl, col. 5, lines 51-67; col. 6, lines 20-40; col.. 9, lines 15-30 & col. 10, lines 1-15 meets the claimed subject matter.

Considering claim 3, the descriptive information in Wistendahl, i.e., N data, identifies objects within a frame, col. 5, lines 21-35; col. 10, lines 16-45.

Considering claim 4-5, the descriptive stream in Wistendahl may be related to a plurality of frames, in a time sequential order, col. 10, lines 1-50& col. 11, lines 25-65.

Considering claim 6, the recited non-sequential frame reads on the user in Wistendahl selecting a particular object in a frame, and later selecting a different object in a different frame sequence.

Art Unit: 2623

Considering claim 8, the claimed index reads on the N data of Wistendahl, Fig. 2 & col. 5, lines 61-67, disclosed as an array of location coordinates.

Considering claims 10-11, see Wistendahl, col. 12, lines 51-58.

Considering claim 12, Wistendahl teaches the use of MPEG-2 video broadcasts, col. 10, lines 58-67 and is generally directed to TV broadcasts.

Considering claim 15, the claimed visual indication of a hot-spot reads on the outline of the selectable objects shown in Fig. 2 of Wistendahl.

Considering claims 17 & 29, the associated data in Wistendahl may include video, which also includes audio.

Considering claims 18 & 30, Wistendahl discusses how the hot-spot changes as the video progresses, which reads on a motion model, col. 10, lines 28-67 & col. 11, lines 25-60.

Considering claim 19, the claimed subject matter reads on Wistendahl, col. 13, lines 50-60.

Art Unit: 2623

Considering claim 20, the claimed program instructions read on IDM program included in the N data of Wistendahl, col. 6, lines 15-45

Considering claim 21, the claimed elements of a video system corresponds with subject matter mentioned above in the rejection of claim 1, and is likewise treated. Wistendahl (Fig. 3) disclose the claimed encoder and receiver, col. 6, lines 55-67.

The additionally claimed trigger mechanism reads on the operation of the N data and IDM program, disclosed in Wistendahl, col. 6, lines 1-40 & col. 8, lines 38-67.

Considering claims 22-23, see Wistendahl Fig. 1 & Fig. 3.

Considering claims 24-25, the claimed subject matter reads on the user in Wistendahl interactively selecting a hot-spot using a remote control 36, which is taught by the reference, col. 7, lines 35-55.

Considering claims 26-27, the recited feature corresponds with subject matter mentioned above in the analysis of claims 3, 19 & 20, and are thus likewise treated.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wistendahl.

Considering claim 13, the references does not discuss providing additional information on a remote control. Official Notice is taken that at the time the invention was made, it was known in the art to provide subscribers with additional information via an LCD type display on a remote control. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Wistendahl to provide messages on a remote control, at least for the desirable improvement of ensuring that the viewer is informed of interactive options.

Considering claim 14, Official Notice is taken that at the time the invention was made, providing subscribers with an audible tone to indicate a message is available was old in the art, particularly being used in when receiving emergency broadcast information. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Wistendahl with the well known technique of an audible tone to indicate reception of

Art Unit: 2623

information, at least for the known benefit of informing the subscriber, even when the instant subscriber is not actually looking at the TV screen.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2623

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

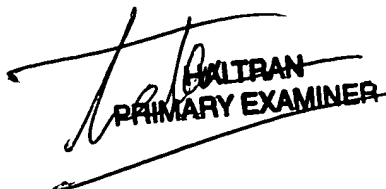
(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


HALTRAN
PRIMARY EXAMINER